**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

**(Special Original Jurisdiction)**

**FRIDAY, THE NINTH DAY OF JULY**
**TWO THOUSAND AND FOUR**

**PRESENT**

**HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**HON'BLE Ms. JUSTICE G.ROHINI**

**Taken up WRIT PETITION No. 9841 of 2004**

Between:

Ms.Vimala Acharya,

No.87, Maj.Padmapani Acharya Marg,
Hasthinapuram Central,

Hyderabad-500079.

..... PETITIONER

AND

1. The Director General of Prisons, Government of A.P., Hyderabad.
2. The Superintendent, Women's Jail, Chanchalguda, Hyderabad.
3. Government of A.P., rep., by its Secretary, Home (Jails) Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the petition filed herein and for the reasons stated in the letter dated 2/6/2004 sent by the petitioner herein this Hon'ble Court may be pleased to issue an order, direction, or a writ, more particularly one in the nature of writ of mandamus calling for remarks and records from the respondents herein in and connected to visit of the petitioner herein to the women's jail at Chanchalguda

wherein she noticed since five years that (1) some women convicts about the age of 65 years have been put in a number of years are suffering from old age ailments (2) not producing them before the courts on Adjournments due to the lack of security personnel and besides there by prolonging the cases for no fault on them and (3) not providing mobile court facility to the women's jail, and to pass appropriate orders directing the concerned authorities (1) to release the women convict prisoners above the age of 70 years, who were not convicted for heinous crimes and (2) to extend the mobile court facility available to the jail for men to the Women's jail, Chanchalguda.

Counsel for the Petitioner :PETITION

Counsel for the Respondents :GP FOR HOME

The Court made the following :

ORDER: (Per Hon’ble the Chief Justice)

A letter by Ms. Vimala Acharya, who has been appointed as non-official visitor to the State Jail for Women, Hyderabad, addressed to the Chief Justice was registered as taken up writ petition.

Petitioner pointed out that there are certain women convicts in Women's Jail, Chanchalguda, who had crossed

65 years of age and had put in number of years in prison and are prone to old age ailments, which make them weak and infirm. Such women convicts if released will not pose any threat to the society and except those convicted for heinous crimes, other women prisoners above the age of 70 years may be released to go back to their kith and kin. Another drawback she had highlighted was that presently Mobile Court facilities are made available only to the Jail for men at Chanchalguda and not at Women's jail. Therefore, she wanted the Mobile Court facility also to be extended to the Women's Jail like the one in the jail for men.

On notice being issued, affidavit in reply was filed by

Smt. P.Sarada, Superintendent, State Jail for Women, Hyderabad, stating that there are 200 female prisoners in the State Jail for Women at Hyderabad and out of them, 93 are convicts, 101 are under-trial prisoners and 3 are convicted naxalites and 3 detenues. Out of 98 convicts, only 36 are

non-lifers whereas others are those suffering life imprisonment. Only 4 of the 93 convicted prisoners are stated to be of the age of

65 years and above. Affidavit in reply states that female convict No.220 P.Reddamma, W/o Nagaiah Chetty is suffering from cancer and is being provided requisite treatment in MNJ Cancer Hospital, Hyderabad. She underwent Radio therapy for 25 times and she is being given medicines prescribed by the Specialist of MNJ Cancer Hospital, Hyderabad. She is diagnosed as suffering from Stage-III-B of Cervical cancer. Further, all the four prisoners having been convicted under Section 302 of Indian Penal Code and sentenced to life imprisonment cannot demand their release in view of the ruling of the Supreme Court that life imprisonment means imprisonment till the last breath and the dates of conviction

show that they committed offences at an advanced age and as such, the plea of advanced age for release from jail is untenable. However, the mercy petitions of G.Laxmamma, Convict No.6261, Shaik Bademma, Convict No.5345 and P.Reddamma, Convict No.220 will be obtained and placed before the Advisory Board.

In view of the stand taken by respondents in affidavit in reply, the first grievance made by the petitioner, in our view, appears to be misconceived since it is not the policy of the State to prematurely release the convicts suffering life imprisonment particularly when the accused at the time of commission of offence itself were in advanced age.

As regard Mobile Courts, it is stated that the Mobile Court facility is not available in any jail in the State of Andhra Pradesh. However, for the purpose of extension of remand under Section 162 of Code of Criminal Procedure, 1973, the video linkage facility is available between the State Jail for Women, Hyderabad and the Criminal Courts Complex, Nampally, Hyderabad, and on an average, ten prisoners are produced daily through video linkage. Regarding production of prisoners before the courts within the district and outside the district, the escorts are detailed and periodically there is extensive review in that regard. Affidavit in reply further states that the petitioner who is a non-official visitor to the State Jail for Women before sending the petition to this Court did not even bother to air her grievances, if any, so that the remedial measures would be taken by the respondents.

We do not see any ground now to continue with the writ petition in view of the reply affidavit. The writ petition therefore is closed.

DEVINDER GUPTA, C.J.

G.ROHINI, J

09-07-2004

bsc

To

1. The Special Officer, Public Interest Litigation Cell, High Court Buildings, Hyderabad.
2. The Secretary, A.P. State Legal Aid and Advisory Board, High Court buildings, Hyderabad.
3. The Director General of Prisons, Government of A.P., Hyderabad.
4. The Superintendent, Women's Jail, Chanchalguda, Hyderabad.
5. The Secretary, Home (Jails) Department,

   Government of A.P.,

   Secretariat, Hyderabad.
6. 2 CCs to Govt. Pleader for Home, High Court Bldgs.,

   Hyderabad.

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